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Lambda Letters Project

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www.lambdaletters.org

LambdaLP@aol.com

(916) 728-1261

1985 Prediction of Two-Tier Society Came True

By Dan Walters, Sacramento Bee Columnist

Twenty years ago, a Washington-based think tank published a remarkably insightful but, at the time, little-noticed tract on California's demographic trends.

The study, entitled "Population Change and California's Future," was the work of Phil Martin, an authority on immigration patterns at UC Davis, and Leon Bouvier, a demographer for the Population Reference Bureau.

They examined the interaction of demographic and economic trends that were just beginning to emerge in California in the 1980s and suggested, somewhat boldly, a scenario for the future: an "emerging two-tier economy with Asians and better-educated non-Hispanic whites and blacks competing for the prestigious occupations while poorly educated Hispanics and blacks scramble for the lower-status jobs."

Everything the demographers projected has come true, if anything more rapidly and more intensely than they expected. High immigration and birth rates—especially among immigrant mothers—coupled with deep-seated changes that moved California's economy away from industrialism to services, commun-

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Fascinating Times

By Boyce Hinman, Chief Lobbyist

This is an exciting time for the LGBTI community. Our state legislature recently approved a bill to allow same-sex couples to marry. That's the first state legislature to do so without being forced to do so by the courts.

Almost immediately, the governor announced he would veto the bill—once it reached his desk. It won't actually do so until September 23 (after this article was written). Equality California, the bill's sponsor, called upon the community to flood the governor's office with phone calls, faxes, letters, and e-mails in support of the bill. The Lambda Letters Project's members have done all of the above.

Then the governor's chief of staff asked Equality California to meet with him and other administration staff to discuss the matter. That usually doesn't happen when the governor has irrevocably decided to veto a bill. At this point, there appears to be a slim chance that the governor will not veto AB 849. We may know by the time this article reaches you.

We recently had good news from the Bay Area. On September 12 two of the three defendants accused of murdering transgender teen Gwen Araujo were convicted of second-degree murder. This was the second trial for

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LLP Members Set Sizzling Pace

By Boyce Hinman, Chief Lobbyist

In August the members and friends of Lambda Letters sent over 91,000 letters and e-mails to elected officials in California. This played an important role in the passage and signature of many good bills. In fact, we believe the letter count in August is higher than that of any month in our 17-year history.

Lambda Letters does its work at an incredibly low cost. In the first eight months of this year we delivered over 341,000 letters and e-mails to elected officials. We did that at a cost of just 24 cents per delivered letter and e-mail.

That is an amazingly low cost considering what we must spend for printing, postage, supplies, telephone, Internet access, and so on. Our contributors get a tremendous bang for their buck.

And yet we had to spend over \$83,000 in just the first eight months of this year. That is a tremendous drain on our assets.

So we are appealing to you to make a generous contribution today. Please help us replenish our resources. There is lots of work still to be done—work that does not come without cost.

Please make a generous contribution to the Lambda Letters Project today. You can rest assured that it will be money well spent.



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Lambda Letters Progress Report

Letters and Messages Collected

August, 2005	91,426 letters & e-mails
In all of 2005	341,163 letters & e-mails

Dollars Spent

August, 2005	\$5,431
In all of 2005	\$34,350

Can You Help?

Please support the very important work of the Lambda Letters Project with your contributions.

Lambda Letters Project

Our Mission

To promote the social, economic, and human rights of lesbian, gay, bisexual, transgender and intersex individuals, couples, and families; people affected by HIV/AIDS; people of color; and women. We do this by urging elected officials to enact and support legislation that accomplishes this goal.

Board of Directors

Chair: Pat Washington, San Diego,
pat.washington@lambdaletters.org
Vice-Chair: Ellis Vance, Fresno,
ellis.vance@lambdaletters.org
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Shirin Buckman, Hollywood,
shirin.buckman@lambdaletters.org
Alex Eng, Sacramento, alex.eng@lambdaletters.org
Joy Fisher, Sacramento,
joy.fisher@lambdaletters.org
Sara E. Freid, Sacramento,
sara.freid@lambdaletters.org
Paul S. Furth, Ph.D., Bonita,
paul.furth@lambdaletters.org
Stacy L. Saetta, San Francisco,
stacy.saetta@lambdaletters.org

Staff

Chief Lobbyist, E-mail Alert Advocate:
Boyce Hinman, (916)728-1261,
boyce.hinman@lambdaletters.org
Newsletter/Website Editor: Stefan Gruenwedel,
stefan@stefanmedia.com
Legislative Analysts:

- ◆ LGBTI Issues: Shirin Buckman,
shirin.buckman@lambdaletters.org
- ◆ HIV/AIDS Issues: Joy Fisher,
joy.fisher@lambdaletters.org
- ◆ People of Color Issues: Marty Martinez,
marty.martinez@lambdaletters.org
- ◆ Women's Issues: Kathleen Watanabe,
kathleen.watanabe@lambdaletters.org

General Coordinator: Aeire Stickney,
aeire.stickney@lambdaletters.org
Volunteer Coordinator: Pat Washington,
pat.washington@lambdaletters.org
Foundation Volunteers:
Joy Fisher, joy.fisher@lambdaletters.org;
Robert Harrison,
robert.harrison@lambdaletters.org;
Rusty Nichols rusty.nichols@lambdaletters.org

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Send address changes to
Lambda Letters Project, 2528 Madison Avenue, San Diego, CA 92116-2922
or e-mail aeire.stickney@lambdaletters.org.



Discrimination Complaints

Have you experienced employment discrimination because of your actual or perceived sexual orientation or because of your age (40 and over), ancestry, color, creed, disability, marital status, medical condition, national origin, race, religion, or sex? Have you been denied family and medical care leave or pregnancy disability leave? If so, you may register a complaint with the Department of Fair Employment and Housing.

In cases of employment discrimination, call the department at (800) 884-1684.

In cases of housing discrimination, call (800) 233-3212. The person answering the phone will schedule an appointment for you at the Department of Fair Employment and Housing Office which is closest to your home or place of employment.

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Support Responsible Sex Education

By Boyce Hinman, Chief Lobbyist

This month we are asking you to write to your member of the House of Representatives in support of HR 768. The purpose of this bill is to reduce adolescent pregnancy and slow the spread of HIV and other sexually transmitted diseases among young people.

It would provide financial support for sex education in our schools by teaching abstinence and contraception. The bill is currently stuck in the Health Sub-Committee of the House Committee on Energy and Commerce.

Here is why this bill is so important:

- ◆ The American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Public Health Association, and the Society of Adolescent Medicine all support responsible sexuality education that includes information about both abstinence and contraception.
- ◆ Recent scientific reports by the Institute of Medicine, the American Medical Association, and the Office on National AIDS Policy stress the need for sexuality education that both includes messages about abstinence and provides young people with information about contraception for the prevention of teen pregnancy, HIV/AIDS, and other sexually transmitted diseases (STDs).
- ◆ Research shows that teenagers who receive sexuality education that includes discussion of contraception are more likely than those who receive abstinence-only messages to delay sexual activity and to use contraceptives when they do become sexually active.
- ◆ Comprehensive sexuality education programs respect the diversity of values and beliefs represented in the community and will complement and augment the sexuality education that children receive from their families.

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Immigrants Have Civil Liberties Too

By Marty Martinez, Legislative Analyst

American society is founded on the core concept that each of us has individual rights that include rights to fair and open hearings, among many others. We also know that our conception of individual rights has been challenged in the wake of the September 11 attacks, particularly in our attitudes toward protecting or narrowing the rights of immigrants.

HR 1502, known as the Civil Liberties Restoration Act, would safeguard basic rights while still protecting the nation's security. The bill includes provisions that would end the government's ability to issue a blanket order closing all deportation hearings to the public and to family members of detainees. It would still allow the closure of hearings or a portion of hearings on a case-by-case basis to preserve the confidentiality of asylum applications or when national security interests so require.

The Civil Liberties Restoration Act would provide minimum due process safeguards to individuals who are jailed on suspicion of immigration violations by giving them timely notice of the charges against them and assuring that immigration authorities and judges make fair, individualized bond determinations.

HR 1502 would also establish an independent immigration court within the Department of Justice, ensuring that people who are charged with a crime based upon national security surveillance under the Patriot Act would see the evidence against them in the same manner as people charged with a crime based upon other kinds of classified information, and limiting the secret seizure of private databases and individual records to cases where the government has shown that there is a reasonable connection to a suspected terrorist or terrorist group.

These are all reasonable provisions that help demonstrate that America cares about providing basic civil rights protections even in times of war. Please sign and send this month's letter to the House Judiciary Committee in support of HR 1502, the Civil Liberties Restoration Act. 

Support Binational Couples

By Shirin Buckman, Legislative Analyst

Please write your member of Congress this month to ask for support of HR 3006, which amends the Immigration and Nationality Act (INA) to include a "permanent partner" as a condition of immigration. Currently, a US citizen can obtain legal US residency for a non-citizen (or non-US resident) by virtue of marriage. There are no provisions in the INA for the immigration of same-sex couples or domestic partners.

HR 3006 would allow individuals who are in a "committed, intimate relationship with another individual...in which both parties intend a lifelong commitment" to live in the same country. This bill does not grant the couple legal married status in the United States. It just allows a non-US citizen to obtain citizenship so that he or she can legally work, live, and pay taxes in this country to support his or her household in a domestic partnership.

HR 3006 also includes non-citizen children as individuals who can be sponsored by a citizen who considers them as part of their family. Since the president and Congress declare family values as one of their top legislative priorities, HR 3006 will ensure that families can legally live, work, and be educated together here.

Amending the INA does not undermine national security. HR 3006 clearly states that the US citizen must establish "by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that the permanent partnership was entered into in good faith and...the permanent partnership was not entered into simply for the purpose of procuring the alien's admission as an immigrant." In other words, the federal government would still be required to do due diligence in assessing that the non-citizen's background was not suspicious. Background checks are already administered when a US citizen attempts to obtain citizenship status for a non-citizen spouse. This bill would simply level the playing ground for same-sex couples and domestic partners.

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Support Non-Prescription Emergency Contraception

By Boyce Hinman, Chief Lobbyist

Recently the Federal Drug Administration overruled its own panel of experts and delayed a decision on whether to allow emergency contraception medications to be sold over the counter. The panel of experts had advised as long ago as 2003 that the medications should be made available without a prescription. The panel had voted 24 to 3 in favor of allowing the drug to be sold without a prescription.

This month we ask that you write to Dr. Lester M. Crawford, Commissioner of the Federal Drug Administration, urging him to approve over-the-counter sales of emergency contraception medications.

Emergency contraception medication is often called the "morning-after pill." It is sold by prescription under the brand names Plan B and Preven. Taken within 72 hours of intercourse, these pills cut the chances of becoming pregnant by up to 89 percent. It can be hard to find a doctor to write a prescription in time, however, especially on weekends and holidays.

According to Planned Parenthood Federation of America, 42 million women—that's seven in 10 women of reproductive age—are sexually active and do not want to become pregnant. Nearly half of America's 6.3 million annual pregnancies are accidental. The World Health Organization found that when emergency contraception is used within 24 hours, the chances of becoming pregnant was reduced by 95 percent. Emergency contraception medications are already available throughout Europe and in the United States, by prescription, and are considered to be safer than aspirin.

Women should have access to these pills to avoid unwanted pregnancies. The FDA should follow the advice of its own panel of experts by allowing the medication to be sold without a prescription. Please write to the FDA commissioner. Urge him to allow that to happen. 

HIV/AIDS Issue

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- ◆ The median age of puberty is 13 years old and the average age of marriage is over 26 years old. American teens need access to full, complete, and medically and factually accurate information regarding sexuality—including contraception, STD/HIV prevention, and abstinence.
- ◆ Although teen pregnancy rates are decreasing, there are still between 750,000 and 850,000 teen pregnancies each year. Between 75 and 90 percent of teen pregnancies among 15- to 19-year-olds are unintended.
- ◆ Research shows that 75 percent of the decrease in teen pregnancy between 1988 and 1995 was due to improved contraceptive use, while 25 percent was due to increased abstinence.
- ◆ More than eight out of 10 Americans believe that young people should have information about abstinence and protecting themselves from unplanned pregnancies and sexually transmitted diseases.
- ◆ Teens in the United States acquire an estimated four million sexually transmitted infections each year. By age 24, at least one in three sexually active people will have contracted a sexually transmitted disease.
- ◆ An average of two young people in the US are infected with HIV every hour of every day. African-Americans and Hispanic youth have been disproportionately affected by the HIV/AIDS epidemic. Although less than 16 percent of the adolescent population in the US is African-American, nearly 50 percent of AIDS cases through June 2000 among 13- to 19-year-olds were among blacks. Hispanics comprise 13 percent of the population and 20 percent of the reported adolescent AIDS cases through June 2000.

Sex education in our schools that teaches both abstinence and contraception is absolutely essential. HR 768 would provide much needed funding to support this education.

Please write to your member of the House of Representatives. Urge him or her to do all they can to get this bill moving. 

LGBTI Issue

Continued from page 3

In addition, HR 3006 does not overcrowd schools, bloat our welfare roles, or threaten our job market. When families come together, they buy houses and pay property taxes on them. They pay taxes when they work legally. They contribute to the economy when they buy goods for their lives. Amending the Immigration and Nationality Act does not "threaten the fabric of society." When families are united regardless of legal marital status, our country can enrich the fabric of society by declaring equality in its immigration laws. Please urge your representative in Congress to support equality by casting an aye vote on HR 3006. 

Fascinating Times

Continued from page 1

all three defendants. The first trial ended in a hung jury for all of them. In their second trial the jury refused to convict any of them of first-degree murder and one of the three defendant's trials again ended in a hung jury, while the other two were convicted of only second-degree murder. This means they are likely to get a lesser prison sentence. These things disappointed some people. But even second-degree murder convictions sometimes end up with sentences of several decades to life in prison. That should be a considerable deterrent to future attacks on transgender people.

More good news. On September 14 the House of Representatives approved HR 2662, a hate crimes bill that would prohibit hate crimes against the LGBTI community. The bill won by a vote of 223 to 199. Thirty Republicans voted for the bill. This is the first such legislation approved by either house of Congress. Actually it was amended into another bill, HR 3132, the Child Safety Act. House approval of HR 3132 is expected soon. However, the Senate has not approved a similar bill and final passage of the hate crimes law is far from certain.

Finally, we got good news from Massachusetts. On September 14 that state's legislature defeated a proposed constitutional amendment to ban same-sex marriage and establish domestic partnerships as an alternative for same-sex couples. Massachusetts remains the only state in the union with a law allowing same-sex marriage. It is still possible that California may soon become the second state to allow them too. 

October Legislative Update

The legislature closed for the year on September 9. Unless the governor calls a special session of the legislature, it will remain closed until early January.

The following list provides the final legislative outcome of all bills that the Lambda Letters Project has been working on lately. In almost every case the bills that Lambda Letters supported were approved by the legislature and sent to the governor, who has until October to sign or veto those bills. He can let a bill become law without his signature by taking no action on it by the October 9 deadline.

Here is the list of bills. Check our website (www.lambdaletters.org) for any updated information since this newsletter went to press.

HIV/AIDS Issues

AB 73 (Dario Frommer, D-Los Angeles)
Purpose: To establish the California Rx Prescription Drug Website Program, which would provide information to California residents about options for obtaining prescription drugs at affordable prices. This bill would require the website, at a minimum, to provide information about—and establish electronic links to—certain federal, state, and pharmaceutical programs, and pharmacies that are located in Canada, the United Kingdom, and Ireland that meet specified requirements.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 228 (Paul Koretz, D-West Hollywood)
Purpose: To prohibit a healthcare service plan and a health insurer from denying coverage for the costs of organ or tissue transplantation services on the basis that the enrollee, subscriber, insured, or policyholder is infected with HIV.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 547 (Patty Berg, D-Eureka)
Purpose: To allow local governments to establish and maintain clean needle and syringe exchange programs without having to declare a health state of emergency every two weeks.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 1142 (Mervyn Dymally, D-Compton)
Purpose: To establish a statewide African-American Initiative to address the disproportionate impact of HIV/AIDS on the health of African-Americans by coordinating prevention and service networks around the state and increasing the capacity of core service providers. The initiative would be implemented in five regional centers. It must be privately funded.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 1677 (Paul Koretz, D-West Hollywood)
Purpose: To require state prisons to allow nonprofits or healthcare agencies to distribute condoms and dental dams to prisoners in state prisons.

Status: Held in the Senate Appropriations Committee.
LLP Position: Support.

LGBTI Issues

AB 12 (Chuck Devore, R-Irvine)
Purpose: To ask the California Law Revision Commission to study the feasibility of a law to provide that real property (such as a home) may be transferred to a beneficiary upon the death of the owner by recording, prior to the owner's death, a beneficiary deed signed by the owner of the property interest. Property transferred this way would not have to go through the long, expensive probate process.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 195 (Mervyn Dymally, D-Compton)
Purpose: When the State Personnel Board finds that a public employee (or an applicant for public employment) has been discriminated against by his or her employer in ways that are forbidden by state law, it may order that the employee be hired, reinstated, or upgraded with or without back pay and compensatory damages. Discrimination on the basis of sexual orientation or gender identity are among the prohibited forms of discrimination. This bill would permit the State Personnel Board to award attorneys fees to the complainant.

Status: Signed by the governor suspense file. **LLP Position:** Support.

AB 220 (Mark Leno, D-San Francisco, Chair, Committee on Public Domestic Violence)

Purpose: To amend several codes' sections that refer to "battered woman syndrome" and change those references to "intimate partner battering." This bill would therefore help members of LGBTI couples who are subject to this battering.

Status: Signed by the governor.
LLP Position: Support.

AB 378 (Judy Chu, D-Monterey Park)

Purpose: All persons in California have the right to be free from any violence, or intimidation by threat of violence, because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute, or because another person perceives them to have any of those characteristics. Existing law allows an attorney general, district attorney, city attorney, or aggrieved individual to bring a civil action against any person who interferes by threats, intimidation, or coercion, with the exercise or enjoyment of an individual's rights. This bill would increase the statute of limitation for the initiation of such an action from one year to three years.

Status: Signed by the governor.
LLP Position: Support.

AB 379 (Paul Koretz, D-West Hollywood)

Purpose: To prohibit health insurance providers from refusing to insure transgender people.

Status: Held in the Senate Appropriations Committee.

LLP Position: Support.

AB 723 (Judy Chu, D-Monterey Park)

Purpose: To require school districts to provide classes in tolerance for all the groups covered by California's hate crimes laws.

Status: Sent to the governor for signature or veto.

LLP Position: Support.

AB 849 (Mark Leno, D-San Francisco)

Purpose: To allow same-sex couples to obtain marriage licenses in California and to establish that no clergy or religious organization can be required to solemnize any marriage to which they have a religious objection. This bill was gutted and amended. It now contains the wording of AB 19 which died on the Assembly floor.

Status: Sent to the governor for signature or veto. He has threatened to veto the bill.

LLP Position: Support.

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Legislative Update

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AB 866 (Leland Yee, D-San Francisco)

Purpose: Current law has a form statement that candidates for political office may sign on a voluntary basis. It is a pledge to engage in a fair and clean campaign. This bill would amend the pledge to include a statement that the candidate will not use, or permit to be used, any appeal to negative prejudice based on sexual orientation or gender identity.

Status: Vetoed by the governor.

LLP Position: Support.

AB 1400 (John Laird, D-Santa Cruz)

Purpose: To amend the Unruh Civil Rights Act to prohibit discrimination on the basis of familial status, marital status, and sexual orientation.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 1586 (Paul Koretz, D-West Hollywood)

Purpose: To prohibit health insurance providers from refusing to insure transgender people.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

HR 16 (Loni Hancock, D-El Cerrito)

Purpose: To proclaim June 2005 as Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month. It urges Californians to celebrate the accomplishments and contributions of the LGBT community.

Status: Is in the Assembly inactive file.

LLP Position: Support if the date is changed to June 2006.

SB 300 (Sheila Kuehl, D-Los Angeles)

Purpose: To increase the circumstances under which an employer must allow an employee to take up to 12 weeks of unpaid leave to care for a seriously ill family member. The need to care for a domestic partner would be added to the list, among others.

Status: Sent to the Assembly Appropriations Committee. Hearing cancelled at author's request. **LLP Position:** Support.

SB 565 (Carole Migden, D-San Francisco)

Purpose: To end the practice of reappraising (and raising the property taxes on) a home owned by two registered domestic partners when one of the partners dies. Would also end the practice of reappraising a home owned by one of them when the owner makes his or her co-owner a joint owner of the home.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

SB 973 (Sheila Kuehl, D-Los Angeles)

Purpose: To entitle employees of state and local governments (and school districts) who retired prior to January 1, 2001, to elect or change any optional retirement allowance, if specified criteria are satisfied. This would apply to their domestic partners too.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

SJR 11 (Christine Kehoe, D-San Diego)

Purpose: To urge Congress and the president to adopt the Military Readiness Enhancement Act of 2005 (HR 1059), which institutes a policy of nondiscrimination based on sexual orientation, and to repeal the "Don't Ask, Don't Tell" policy.

Status: Sent to Congress and the president.

LLP Position: Support.

People of Color Issues

AB 13 (Jackie Goldberg, D-Los Angeles)

Purpose: To prohibit, with certain exceptions, public schools from using the name "Redskins" as a school or team mascot, name, or nickname.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 15 (Jerome Horton, D-Inglewood)

Purpose: To encourage schools to include a discussion of the contributions of Filipinos to the war effort during World War II.

Status: Vetoed by the governor.

LLP Position: Support.

AB 22 (Sally Lieber, D-San Jose)

Purpose: To establish the crime of trafficking of a person for forced labor or services and the crime of trafficking of a minor for sexual servitude, both punishable as felonies. This bill would also require restitution to trafficking victims. It would also require the Attorney General to make fighting human trafficking a high priority.

Status: Signed by the governor.

LLP Position: Support.

AB 74 (Mike Gordon, D-El Segundo)

Purpose: To establish the California Prescription Telephone Drug Hotline, which would provide information to consumers and healthcare providers about options for obtaining prescription drugs at affordable prices. People would call a low-cost (maximum 50 cents) toll phone number.

Status: Made a two-year bill. Is in the Senate Health Committee. No action will be taken until 2006.

LLP Position: Support if amended to make the hotline available through a toll-free number.

AB 75 (Dario Frommer, D-Los Angeles)

Purpose: To establish the California Rx Plus State Pharmacy Assistance Program, which would provide low-cost drugs to low-income Californians. This bill would authorize the state to negotiate drug rebate agreements with drug manufacturers to provide for program drug discounts. Would authorize any licensed pharmacy or drug manufacturer to provide services under the program.

Status: Made a two-year bill. Is in the Senate Health Committee. No action will be taken until 2006.

LLP Position: Support.

AB 76 (Dario Frommer, D-Los Angeles)

Purpose: To establish the Office of Pharmaceutical Purchasing within the California Health and Human Services Agency with authority and duties to purchase prescription drugs for state agencies. This bill would authorize the office to negotiate the lowest prices possible for prescription drugs.

Status: Sent to the governor for signature or veto.

LLP Position: Watch over concerns whether this is the most efficient way to reduce costs and also ensure that all necessary medications are available to patients.

AB 124 (Mervyn Dymally, D-Compton)

Purpose: To require each state agency to establish an equal opportunity program to ensure that the state policy of providing equal access to state jobs, work assignment, training, and other employment-related opportunities for all qualified job applicants and employees—based on merit and nondiscrimination in every aspect of personnel policies and employment practices—is fully implemented. It would require the State Personnel Board to collect employment data based on race, disability, ethnicity, and gender.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 368 (Noreen Evans, D-Santa Rosa)

Purpose: To require the state and counties to provide various welfare-to-work services and childcare services, maintain a safety net for children, encourage and assist family stability and unity, and assist and serve

eligible legal aliens.

Status: Made a two-year bill. Is in the Senate Human Services Committee. No action will be taken until 2006.

LLP Position: Support.

AB 432 (Jenny Oropeza, D—Long Beach)

Purpose: To increase the number of places and the time in which new citizens may register and vote. Also reduces the time before election day they must have become a citizen in order to register and vote.

Status: Approved by the Assembly. Failed in the Senate Elections Committee. The right to ask for reconsideration was granted.

LLP Position: Support.

AB 477 (Joe Baca, D—San Bernardino)

Purpose: To require the department to establish a four-year pilot project that would authorize certain individuals, who are not financially eligible to receive in-home supportive services, to purchase those services. The bill would require the pilot project to be conducted in three counties that consent to participate, and would require the department to develop eligibility guidelines for individuals who purchase services under the pilot project

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 482 (Loni Hancock, D—Berkeley)

Purpose: To require that certain limited-English students take an achievement test in English and then again in their native language.

Status: Sent to the governor for signature or veto. **LLP Position:** Watch.

AB 680 (Wilma Chan, D—Oakland)

Purpose: Current law requires school districts with large language minority student populations to translate, into that minority language, all reports, notices, statements, and other documents sent to parents or guardians of those students. This bill would require the State Board of Education to monitor compliance with this law.

Status: Approved by the Senate. Is in the Assembly inactive file.

LLP Position: Support.

AB 775 (Leland Yee, D—San Francisco)

Purpose: To prohibit any state or local governmental agency, or any public or private agency that receives state funding, from using any child, or permitting any child to be used, as an interpreter, as defined, in any

hospital, clinic, or physician office in the context of diagnosis and treatment, except as specified.

Status: Made a two-year bill. Is in the Senate Judiciary Committee. No action will be taken until 2006.

LLP Position: Support.

AB 855 (Karen Bass, D—Los Angeles)

Purpose: To provide that, with certain exceptions, a person convicted of drug-related felonies shall be eligible to receive CalWORKs benefits if he or she meets certain conditions of eligibility. This law would not apply to a person who has been convicted of unlawfully transporting, importing into this state, selling, furnishing, administering, giving away, possessing for sale, purchasing for purposes of sale, manufacturing a controlled substance, possessing precursors with the intent to manufacture a controlled substance, or cultivating, harvesting, or processing marijuana or any part thereof pursuant to Section 11358 of the Health and Safety Code.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 1338 (Joe Nation, D—San Rafael)

Purpose: To require that a dependent child of the court who is not a citizen of the United States and for whom the court has determined parental reunification is no longer an option, be provided an attorney specializing in immigration law who may pursue special immigrant status or any other avenue to obtain legal permanent resident status or citizenship for that child.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

ACA 6 (Mark Wyland, R—Vista)

Purpose: To amend the state constitution to prohibit the state from issuing any driver's license or state identification card, providing in-state tuition or fees for postsecondary education, granting any voting privileges, or providing any health, social, or other state or local public benefit to any person who is neither a citizen of the United States nor any alien lawfully present in the United States, unless the privilege, service, or the benefit is required by federal law.

Status: Failed in the Assembly Judiciary Committee.

LLP Position: Oppose.

ACAX1 4 (Rick Keene, R—Chico)

Purpose: To amend the state constitution to require that reductions be imposed automatic-

cally on all General Fund appropriations enacted on or before the date of a proclamation by the governor that the state's income and expenses are significantly out of balance. The amounts of the cuts would be by a percentage estimated by the Director of Finance to cause total General Fund appropriations not to exceed General Fund revenues by the end of that fiscal year. The cuts would go into effect 45 days after the proclamation unless state legislators pass legislation to address the problem prior to that 45-day deadline.

Status: Referred to the Assembly Budget Process Committee. No hearing date set yet.

LLP Position: Oppose. Arbitrary statewide cuts to all programs could be devastating to vital programs.

AJR 1 (Rudy Bermudez, D—Bellflower)

Purpose: To memorialize the president and Congress to urge the Citizens' Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor Dr. Dalip S. Saund, an outstanding immigrant from India. This bill would encourage Californians to celebrate his birthday each year.

Status: Sent to Congress and the president.

LLP Position: Support.

AJR 2 (Noreen Evans, D—Santa Rosa)

Purpose: To memorialize the president and Congress to honor the contributions of Filipino-American war veterans and direct the federal government to immediately pay promised veterans' benefits as the first order of business of the 109th Congress.

Status: Sent to Congress and the president.

LLP Position: Support.

SB 23 (Carole Migden, D—San Francisco)

Purpose: To require the Employment Development Department to send informational brochures on the Healthy Families and Medi-Cal programs to employers for distribution to their employees. This bill would establish a system to allow employees to have the family contribution payments for healthcare coverage under the Healthy Families Program deducted from the employee's pay and transmitted to the state. This bill would require the state to do outreach and marketing on the Healthy families program and Medi-Cal to enroll more qualified participants.

Status: Sent to the governor for signature or veto.

LLP Position: Support.

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Legislative Update

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SB 60 (Gilbert Cedillo, D–Los Angeles)

Purpose: To allow certain undocumented immigrants to obtain drivers licenses in California. These licenses would permit them to drive legally. They would not be legal for identification purposes or for entering a federal building or an airplane.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

SB 112 (Deborah Ortiz, D–Sacramento)

Purpose: The state Department of Social Services distributes funds from the federal Refugee Act of 1980 to the counties in California. These funds pay for employment related and English language training programs to immigrant refugees in those counties. Currently the money is divided up by percentages of refugees on public assistance in each county. If 10% of the refugees statewide, who are on public assistance, live in County A, County A gets 10% of the funds. This bill would require the state in allocating Refugee Employment Services money to distribute the funds based on differential weights for refugees based on the length of time they have resided in the United States.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

SB 388 (Charles Poochigian, R–Fresno)

Purpose: To establish a one-year, pilot program to disseminate information regarding current prison penalties for the personal use of a firearm during the commission of certain felonies. Counties and cities would be invited to apply for funds.

Status: Held in the Assembly Appropriations Committee.

LLP Position: Probably support, pending naming of the jurisdictions.

SB 645 (Joe Dunn, D–Santa Ana)

Purpose: To create the Commission on the Unconstitutional Deportation of American Citizens during the 1930s. The bill would require the commission to gather facts regarding the removal and coerced emigration to Mexico of United States citizens and legal residents of Mexican descent between 1929 and 1944. Private donations would be solicited and the commission would not begin work until it is determined that sufficient private donations have been received. The bill would also establish the 1930s Reparations Fund in

the General Fund, which would allow people who were wrongly forced out of the country during that time to seek damages in court.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

SB 670 (Joe Dunn, D–Santa Ana)

Purpose: To express the apology of the State of California to those individuals who, from 1929 to 1944, were illegally deported, or coerced into emigrating, to Mexico as a result of the Mexican Repatriation Program, and to require that a plaque be placed and maintained in a public place to commemorate this event.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

SB 840 (Sheila Kuehl, D–Los Angeles)

Purpose: To make all California residents eligible for specified healthcare benefits under the California Health Insurance System, which would, on a single-payer basis, negotiate for or set fees for healthcare services provided through the system and pay claims for those services.

Status: Made a two-year bill. Is in the Assembly Rules Committee. No action will be taken until 2006. **LLP Position:** Support.

SCR 18 (Jim Battin, R–La Quinta)

Purpose: To proclaim November 2005 as California Indian Heritage Month, encourage its observance with activities that celebrate our uniqueness as Americans, and commend California Indian nations for their outstanding contributions to this state.

Status: Signed by the governor.
LLP Position: Support.

SCR 22 (Jim Battin, R–La Quinta)

Purpose: To proclaim September 15 to October 15, 2005, inclusive, as California Hispanic Heritage Month, and encourage all Californians to observe this event in communities throughout the state.

Status: Signed by the governor.
LLP Position: Support.

Women's Issues

AB 21 (Lloyd Levine, D–Van Nuys)

Purpose: To require that a pharmacist dispense prescription drugs and devices in a timely way unless to do so would violate the pharmacist's moral views or when the pharmacist views the prescription to be illegal or contraindicated for the patient. This bill prescribes the conditions under which the

pharmacist may refuse to dispense the prescribed item.

Status: Failed in the Senate Health Committee. Author can ask for a new vote later.

LLP Position: Oppose unless language allowing pharmacists to refuse to sell contraceptives is removed from the bill.

AB 48 (Sally Lieber, D–San Jose)

Purpose: To increase the minimum wage to \$7.25 per hour, effective on and after July 1, 2006, and to \$7.75 per hour, effective on and after July 1, 2007. It would provide for the automatic adjustment of the minimum wage on January 1 of each year thereafter, calculated by multiplying the minimum wage by the previous year's rate of inflation.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 70 (Bill Maze, R–Visalia)

Purpose: To require the Department of Motor Vehicles to provide a new set of license plates to a registered owner of a vehicle who provides certain evidence of having been the victim of rape or sexual battery.

Status: Signed by the governor.
LLP Position: Support.

AB 99 (Rebecca Cohn, D–Campbell)

Purpose: To provide that restraining orders issued in domestic violence cases may have a duration of not more than five years (up from three years in current law) by the discretion of the court.

Status: Signed by the governor.
LLP Position: Support.

AB 112 (Rebecca Cohn, D–Campbell)

Purpose: To require the courts to order priority for the enforcement of certain protective orders issued by the court. Priority would be given when an emergency protective order is issued based on the belief that there is imminent danger to the person or persons being protected. Also people being restrained by the order would be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm while the protective order is in effect.

Status: Signed by the governor.
LLP Position: Support.

AB 114 (Rebecca Cohn, D–Campbell)

Purpose: To provide that when a defendant is accused of child abuse in a criminal action, evidence of the defendant's prior acts of domestic violence may be admitted to prove the defendant's conduct.

Status: Sent to the governor for signature or veto. **LLP Position:** Watch.

AB 169 (Jenny Oropeza, D-Carson)
Purpose: To increase the penalties for employers who pay women less than men for the same work and to mandate the types of damages employees should recover if they are successful in bringing a civil action against their employer for willful violations of pay equity law.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 322 (Jenny Oropeza, D-Long Beach)
Purpose: To enact the Athletes Bill of Rights and enumerate the rights available to a pupil relating to gender equity in athletics. The bill would require the State Department of Education to post the bill of rights on its website and require a school district that elects to offer competitive or club sports to its pupils to print and post posters setting forth the bill of rights in several locations in schools.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 429 (Judy Chu, D-Monterey Park)
Purpose: To make several changes to law which increase the chances that a protective order, resulting from workplace violence or domestic violence, are promptly served on the accused.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 478 (Sally Lieber, D-San Jose)
Purpose: Prison inmates who give birth in prison may be declared eligible for a community treatment program. This bill would require that community treatment program to include prenatal care, access to prenatal vitamins, childbirth education, and infant care. This bill would also require the Department of Corrections to establish minimum standards for pregnant inmates who are not eligible for the program, including necessary nutrition and vitamins, information and education, and regular dental cleanings.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

AB 755 (Hector De La Torre, D-South Gate)
Purpose: To require employers to pay employees for any rest period mandated by statute, regulation, or order of the Industrial Wage Commission. Would provide that the rate of pay for the rest periods of piece-rate workers in the agricultural and garment industries shall be the average piece-rate

wage, defined and limited as specified. The bill would also provide that an employee working on a piece-rate basis who suffers injury as a result of the failure of an employer to pay required wages for rest periods shall be entitled to recover his or her unpaid average piece-rate wage for each rest period in any pay period in which a violation occurred.

Status: Vetoed by the governor.
LLP Position: Support.

AB 813 (Joe Baca, D-San Bernardino)
Purpose: To require the State Department of Health Services to provide information to consumers, patients, and healthcare providers regarding women's heart health risks, including signs, symptoms, risk factors, importance of prevention, early detection through appropriate diagnostic testing, and treatment options.

Status: Is in the Senate inactive file.
LLP Position: Support.

ACR 2 (Rebecca Cohn, D-Campbell)
Purpose: To proclaim the month of October 2005 as Domestic Violence Awareness Month.

Status: Chaptered into law by the secretary of state.

LLP Position: Support.

AJR 3 (Rebecca Cohn, D-Campbell)
Purpose: To petition the president and Congress to protect and uphold the intent and substance of the Supreme Court decision in *Roe v. Wade*, relating to reproductive rights, and to encourage all Americans to participate in the national celebration, "The March for Women's Lives," in recognition of that decision's historic importance in promoting women's rights.

Status: Approved and sent to Congress and the president.

LLP Position: Support.

SB 180 (Sheila Kuehl, D-Los Angeles)
Purpose: To require that the training of peace officers include identifying signs of human trafficking.

Status: Signed by the governor.
LLP Position: Support.

SB 493 (Sheila Kuehl, D-Los Angeles)
Purpose: To authorize a CalWORKs recipient to receive aid during a transitional period of three cumulative months during the individual's lifetime without participating in the Cal-Learn Program as a full-time student if the participant works with a Cal-Learn case

manager to find an appropriate educational program that supports the needs of the participant.

Status: Held in the Assembly Appropriations Committee.

LLP Position: Support.

SB 615 (Liz Figueroa, D-Fremont)

Purpose: To require the state to do an education campaign aimed at promoting the awareness of Human Papillomavirus (HPV) and its link to cervical cancer. The program must be supported by private donations, not government funds.

Status: Sent to the governor for signature or veto. **LLP Position:** Support.

SB 644 (Deborah Ortiz, D-Sacramento)

Purpose: To require that a pharmacist dispense prescription drugs and devices in a timely way unless to do so would violate the pharmacist's moral views or when the pharmacist views the prescription to be illegal or contraindicated for the patient. This bill prescribes the conditions under which the pharmacist may refuse to dispense the prescribed item.

Status: Sent to the governor for signature or veto.

LLP Position: Support if moral and ethical reasons, as reason for refusing to dispense birth control pills, is removed from the bill. Religious objections would be the only valid reason.

SB 720 (Sheila Kuehl, D-Los Angeles)

Purpose: To authorize a district attorney or city attorney to initiate and pursue a court action for contempt against a party for failing to comply with a court order entered pursuant to the Domestic Violence Protection Act. The bill would require any attorney's fees and costs ordered against a party in contempt of the above provision to be paid to the Office of Emergency Services for the purpose of funding domestic violence shelter service providers. The bill would also require the courts to tell the police about contempt rulings in these cases.

Status: Sent to the governor for signature or veto. **LLP Position:** Support. 



Vote No on Prop. 77

By Shirin Buckman, Legislative Analyst

Proposition 77 is the Reapportionment Initiative. It amends the California Constitution to require immediate redistricting of state legislative boundaries by a three-judge panel appointed by the governor. It is inequitable, costly, and unnecessary.

The California Constitution stipulates that redistricting of political boundaries is to occur every 10 years, after a census is done. If Prop. 77 passes, the Constitution would be amended to allow the governor to redistrict mid-cycle, thereby using six-year-old data.

Because California adds half a million people to its population each year, a reapportionment in 2006 would exclude about three million people in its boundaries, many of them Latino-Americans. Not only could this be arguably unconstitutional because it is racially imbalanced, but it is not clear where these new Californians live. *This makes accurate redistricting impossible.*

In addition, the judges that the governor appoints to the panel may not be of diverse backgrounds. Prop. 77 clearly states that the panel of judges will be retired judges, which means they were most likely appointed by Republican governors over 20 years ago. So not only do we get outdated census data but we get outdated political viewpoints, too. Because these judges are not elected and have no accountability to the voters of California, their decisions will be final, even if they are not in California's best interest.

When California is barely able to afford to build schools, hospitals, and infrastructure, a redistricting will not be money well spent. In a partisan power-grab to consolidate power, the governor is going to use tax money to hire "independent" judges, collect and analyze outdated data, hold hearings to determine fairness of the new districts, and draw new lines. All this will cost tens of millions of dollars.

In just five years, there will be a *fair* redistricting of boundaries with accurate census data and no extra money wasted.

By voting no on Prop. 77, you can send a clear message to the governor that we would prefer to use our money to send

1985 Prediction Came True

Continued from page 1

cations and trade, have produced immense social and cultural change, as a spate of recent analyses demonstrate.

The Washington-based Center for Immigration Studies, using data from the National Center for Health Statistics, found that births to foreign-born mothers in California rose from 15.2 percent of the total in 1970 to 46.2 percent in 2002.

Indeed, the sheer number of those immigrant mother births in 2002—244,770—was more than the total number of newborns in any other state except Texas. Or to put it another way, immigration and births to immigrant mothers—about 550,000 per year—account for all of the net population growth in California.

The Public Policy Institute of California plowed the same ground, reporting that more than 40 percent of California's children today are offspring of immigrants—an increase from 3 million in 1970 to 7 million today.

Two-thirds of children born to immigrants are Latinos, and the Public Policy Institute's analysis also concluded that second-generation Latinos are faring more poorly than immigrant offspring from other cultures in education and economic advancement.

The Washington-based Economic Policy Institute, meanwhile, conducted an exhaustive survey of what level of family income is needed for a decent standard of living, broken down by family size, ethnicity and locality, and found that well over half of African American and Latino families fall short of the mark, compared to just 20.1 percent of whites. And, not surprisingly, the contrasts were higher in California, especially in urban

students to good schools, live in safer communities, and be treated in quality hospitals.

The authors of the California Constitution were not politically motivated when they planned the redistricting process. We must not be politically motivated by amending this process. Please vote no on Prop. 77 when you visit the voting booth for the special statewide election on November 8. 

areas, than in most other states, thanks largely to a hot housing market that hits renters and would-be homeowners alike.

Underscoring that conclusion, Sacramento State University business statistics professor Robert Mogul, in a just-completed analysis of Census Bureau data, concludes that the incidence of poverty is rising sharply in California, especially among Latinos, who are about a third of the population but account for more than half of poverty-stricken families. And the latest school testing results demonstrate anew that Latino and African American youngsters are trailing white and Asian American students—achieving only about half as well, in fact.

These studies and data, in short, confirm that what Martin and Bouvier told us in 1985 would happen in California is happening in 2005. We have become a two-tier society defined by education and income levels, home ownership, health care, transportation access and, increasingly, ethnicity.

California works well for those fortunate or ambitious enough to occupy the second tier, who have ridden the technology train and can ride the housing bubble, and whose children attend well-financed, enriched schools. But millions of Californians and their families are stuck in the first tier. The gap between the two is destined to widen in the years ahead because of the state's powerful and unique demographic trends.

Socioeconomic stratification represents the greatest single conundrum in 21st-century California, one that appears to be becoming more intense with time. It will, in one form or another, dominate the state's politics for decades to come.

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